

**COURT OF COMMON PLEAS OF WASHINGTON COUNTY
COMMONWEALTH OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA

vs.

CNX RESOURCES CORPORATION

NT 831-21
NO. NT 832-21
NT 833-21
NT 834-21

NOLO CONTENDERE PLEA AGREEMENT AND COLLOQUY OF DEFENDANT

1. I INTEND TO PLEAD NOLO CONTENDERE to the following criminal offense(s):

Ct	Offense	Grade	Min	Maximum
1	Unlawful Conduct – Air Pollution Control Act 35 P.S. §4008	S	\$100.00	\$2,500 or 90 days incarceration
2	Unlawful Conduct – Air Pollution Control Act 35 P.S. §4008	S	\$100.00	\$2,500 or 90 days incarceration
3	Unlawful Conduct – Air Pollution Control Act 35 P.S. §4008	S	\$100.00	\$2,500 or 90 days incarceration
4	Unlawful Conduct – Air Pollution Control Act 35 P.S. §4008	S	\$100.00	\$2,500 or 90 days incarceration

2. THE MAXIMUM PENALTIES FOR CRIMINAL OFFENSES ARE AS FOLLOWS:

Grading	Max. Jail	Max. Fine	Grading	Max. Jail	Max. Fine
M1:	FIVE (5) YRS	\$10,000.00	F1:	TWENTY (20) YRS	\$25,000.00
M2:	TWO (2) YRS	\$5,000.00	F2:	TEN (10) YRS	\$25,000.00
M3:	ONE (1) YR	\$2,500.00	F3:	SEVEN (7) YRS	\$15,000.00
Summary	NINETY (90) days	\$2,500.00			

3. **FACTUAL BASIS FOR NOLO CONTENDERE PLEA.** I understand all of the elements of each offense listed above and am agreeing that the Commonwealth can prove the following at trial:

CNX Resources Corporation (CNX) is an independent natural gas development, production, and mid-stream company. CNX is required to submit emissions statements from all of its pigging operations in Pennsylvania to the Pennsylvania Department of Environmental Protection (DEP) on an annual basis. CNX calculates emissions using a formula that has both static and variable components. One of the variable components used to calculate yearly emissions is the number of times that any given site is pigged. CNX failed to provide accurate emissions numbers to DEP in its annual emissions reports in 2016, 2017, 2018, and 2019. CNX had inaccurate counts of the number of times their stations were pigged. These inaccurate numbers were then put into an equation to calculate annual emissions. An audit of all four years showed that emissions were under-reported in 2016 and 2017 and over-reported in 2018 and 2019.

These actions did cause or assist in the violation of the Air Pollution Control Act.

4. **TERMS OF THIS NOLO CONTENDERE PLEA AGREEMENT.** The Commonwealth and the Defendant agree that all the terms and conditions in consideration of this nolo contendere plea are set forth below:

- A. The Defendant will donate \$30,000 to South Franklin Township to fund the restoration of approximately 1,800 feet of an unnamed tributary to Chartiers Creek located in South Franklin Township Park, Washington County. Any unused funds will be used towards park improvement.
- B. The Defendant will donate to Allegheny County approximately 184 acres in Elizabeth Township, Allegheny County (Tax Parcel ID Nos. 1569-F-4, 1569-J-127, 1569-L-18, 1569-L-48, 1570-S-7, 1733-D-130, 1733-D-17, and 1733-H-311).

5. **THE MAXIMUM POSSIBLE SENTENCE.** I am aware that the penalties for each of the above criminal offenses can be added together by the Court at sentencing for a possible total maximum sentence in this case of:

\$10,000 fine AND/OR 360 days incarceration

6. **THE MANDATORY MINIMUM SENTENCE.** I realize that the following mandatory minimum sentences apply in this case:

\$400.00 fine

7. THINGS THAT COULD AUTOMATICALLY INCREASE MY SENTENCE. I realize that there may be increases to my sentence because a weapon was possessed or used, or because of the age of the victim, or the location of my crime as follows:

Not applicable

8. THE SENTENCING COURT IS NOT BOUND BY ANY TERM AS TO SENTENCE CONTAINED IN THIS AGREEMENT. I acknowledge that any terms related to a sentence set forth in paragraph 4 above are not binding on the Court and I have not been guaranteed a specific sentence in exchange for this plea. The Court retains the power to decide my sentence.

9. THE RIGHTS I GIVE UP BY ENTERING A PLEA OF NOLO CONTENDERE. I understand that the law presumes me innocent and requires proof beyond a reasonable doubt to convict me of any crime. I understand that by entering a nolo contendere plea I am no longer presumed innocent, I am convicting myself of the charges to which I am pleading nolo contendere, and I will be presumed guilty of those charges beyond a reasonable doubt. Furthermore, I acknowledge the additional rights I possess which are listed below, and give them up as part of my plea.

- To require the Commonwealth to prove my guilt beyond a reasonable doubt as to each and every element of the offenses charged.
- To cross-examine Commonwealth witnesses, to compel any witness to testify on my behalf, to justify myself or choose to remain silent at trial.

10. OTHER IMPORTANT CONSEQUENCES OF MY NOLO CONTENDERE PLEA. I understand that by pleading nolo contendere I will be convicted of crime(s) and there may be some collateral consequences of this criminal conviction. Collateral consequences include the ability of the prosecution to hold this conviction against me in the future if I am charged with other crimes. The consequences also include but are not limited to the loss or restriction of a professional license and ineligibility for public funds. Lawmakers may in the future add further collateral consequences to criminal conviction that we have no way to predict now.

11. I KNOW WHAT I AM DOING AND IT IS VOLUNTARY. I am not mentally disabled or under the influence of any drugs or alcohol. I am not suffering from any disability which affects my own free will, and am free of duress. I am giving up my rights knowingly, voluntarily and intelligently.

12. I HAVE CONFERRED WITH MY ATTORNEY BEFORE THIS PLEA. I have had an opportunity to discuss this plea agreement with my attorney, with whom I am satisfied.

13. THE COURT CAN REFUSE TO ACCEPT THE PROPOSED PLEA. I understand that the Court is not required to accept this plea agreement. If it does not, then the proposed plea does not become final and I retain my rights to a trial.

PLEA OF NOLO CONTENDERE

I SWEAR AND AFFIRM THAT I HAVE READ THIS DOCUMENT IN ITS ENTIRETY OR HAD IT EXPLAINED TO ME, UNDERSTAND IT COMPLETELY, AND BELIEVE THIS PLEA IS IN MY BEST INTEREST.

BY SIGNATURE BELOW I ENTER A PLEA OF NOLO CONTENDERE TO THE OFFENSE(S) SPECIFIED IN PARAGRAPH 1 OF THIS PLEA COLLOQUY FORM, WHICH IS FINAL WHEN ACCEPTED BY THE COURT.

CNX Resources Corp.

Defendant's Signature

BY: [Signature]
GENERAL COUNSEL

Date

12/2/21

DEFENSE ATTORNEY CERTIFICATION. I certify with this Defendant that: (1) I have explained this plea agreement and the Defendant's rights to the Defendant; (2) he/she wishes to plead nolo contendere; (3) I have discussed the facts and the law of this case with the Defendant; and (4) I believe the Defendant understands the consequences of pleading nolo contendere.

Attorney for Defendant

[Signature]

Date

12/2/21

Approved by: JENNIFER SELBER
Executive Deputy Attorney General
Criminal Division
Commonwealth of Pennsylvania

BY:

[Signature]
COURTNEY BUTTERFIELD
Senior Deputy Attorney General

Date

12/2/21